

REMARKS

A formal change is made in base claims 12, 15, 16 and 19, to avoid any possible ambiguity.

Claims 20-25 have been cancelled for formal reasons only, without disclaimer of their subject matter.

New claims 26-30 have been added.

Reconsideration is accordingly respectfully requested for the objection to the drawings on the ground that separation of two halves into upper and lower flat films is not shown. This feature is believed to have appeared only in claims 20-25, now cancelled.

Reconsideration is respectfully requested for the rejection of the retained claims as anticipated by OUCHI 6,068,585 or BROENSTRUP 6,425,847 or as unpatentable over OUCHI in view of BROENSTRUP, or BROENSTRUP in view of RICHISON et al. 5,147,272.

Claims 12-14 were rejected as anticipated by OUCHI.

As to claim 12, OUCHI does not disclose the following feature comprising the last seven lines of claim 12:

"moving said flat films apart about a bend line disposed a distance from said squared end in a direction opposite said longitudinal edge, thereby to form a gore in said side film and tucking in said gore against said flat films, thereafter bringing said flat films together again and securing said flat films to each other beyond said gore".

As to claim 13, OUCHI does not disclose a zipper being between the longitudinal edge and the gore, because OUCHI does not form a gore.

As to claim 14, OUCHI does not disclose the longitudinal edges being sealed together on a side of the zipper opposite the gore, because there is no gore.

Reconsideration is respectfully requested, for the rejection of claim 15 as anticipated by BROENSTRUP.

Claim 15 requires that the flat films be moved apart about bend lines disposed adjacent both ends of the side films, and then that the flat films and the side films be severed in the longitudinal direction midlength of the side films. As to this feature, the Official Action refers to cutting lines 31 in BROENSTRUP. But lines 31 are transverse to the longitudinal direction; and BROENSTRUP does not deal with both ends of the side films.

Claims 12-18 were rejected as unpatentable over OUCHI in view of BROENSTRUP. The Official Action would import the gore-forming arrangement of BROENSTRUP into OUCHI.

But if the gore-forming technique of OUCHI is imported into BROENSTRUP, then the present invention is still not produced, because, in BROENSTRUP, there is no securement of the flat films to each other beyond the gore. Therefore, to combine BROENSTRUP with OUCHI would produce a structure having no

counterpart in the structure claimed in claim 12. Claim 13 requires the installation of a zipper between the longitudinal edge and the gore, which again has no possible counterpart in either BROENSTRUP or OUCHI, because BROENSTRUP has no zipper and no place to put a zipper, whereas OUCHI has no gore and no way to form a gore. Claim 14 is similarly distinguished.

Claim 15 likewise is not taught by the combination of OUCHI and BROENSTRUP, for the reasons previously set forth in connection with claim 15: OUCHI does nothing to improve BROENSTRUP as to this feature.

As to claim 16, OUCHI and BROENSTRUP do not combine in any conceivable way. According to claim 16, the side film has a square edge as inserted, as in OUCHI. But then, the gore is formed by moving the flat films apart about a bend line and tucking in the gore against the flat films, after which the films are brought together and secured to each other beyond the gore. OUCHI does nothing of the sort.

BROENSTRUP does not provide any usable modification of OUCHI. In BROENSTRUP, the side films are inserted all the way across the flat films (Figure 8) and then the gores are formed. But the films cannot thereafter be secured to each other beyond the gore, because to do so would spoil the structure of OUCHI and also because there is no room beyond the gore because the gore extends all the way to the edge. In other words, to secure

the films together beyond the gore, the gore has to stop short of the edge and for the gore to stop short of the edge, the side films have to stop short of the edge. The side films stop short of the edge in OUCHI, but nothing else happens in OUCHI as happens in the present invention; and there is no obvious way to modify OUCHI in view of BROENSTRUP to produce the claimed structure. Claims 17 and 18 are further distinguished from the prior art as were claims 13 and 14, discussed above.

Claim 19 is not met by BROENSTRUP in view of RICHISON et al. because in BROENSTRUP, complete bags open at one end are produced. If we split the BROENSTRUP material down its longitudinal center line, you get half a bag and an open sleeve, which is obviously a totally useless step.

On the other hand, in RICHISON et al., when you split the material down the middle, you get two complete bags closed at both ends.

In sharp contrast to both of these, according to the present invention, when you do not split the material down the middle, you have a useless device; but when you do split the material down the middle, you have two open bags that open toward each other. Nothing in either BROENSTRUP or RICHISON et al. or any proper combination thereof, would suggest this.

New claims 26-30 are drawn to the preferred embodiment of the present invention and differ from the cited references in

that two rows of bags are manufactured in a different order or sequence of the manufacturing steps of the bags, as set forth in claim 26. In these claims, the step (g) of sealing together the zipper tape and/or V-shaped bottom film, the side films and the flat films is also new, as in claims 26 and 29. The step (e) for forming an open surface at both ends of the side films and the flat films is also positively defined in claims 26 and 29. Another feature of novelty is that the side films of the present invention comprise a pair of boat-shaped films, as set forth in claim 29, in contrast to the prior art, which uses a single film.

Accordingly, it is believed that new claims 26-30 are clearly patentable over the cited references and do not raise any new issue that could not properly be considered after final rejection.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert J. Patch, Reg. No. 17,355
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RJP/lk/lrs